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**From:** Messina, Edward [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=95521FBF4E34496A879E364FAF7E5AA8-MESSINA, EDWARD]  
**Sent:** 11/3/2022 3:54:25 PM  
**To:** Edward Hardy Kern [EHardyKern@abcbirds.org]  
**Subject:** RE: Meeting Request & Organizations Respond to Treated Seed Decision

Just noting receipt at this point. Thank you for your letter.

Ed

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*Ed Messina, Esq.*  
*Director, Office of Pesticide Programs*  
*Office of Chemical Safety & Pollution Prevention*  
*U.S. Environmental Protection Agency*  
*Washington, D.C.*

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**From:** Edward Hardy Kern <EHardyKern@abcbirds.org>  
**Sent:** Thursday, November 3, 2022 11:45 AM  
**To:** Freedhoff, Michal <Freedhoff.Michal@epa.gov>; Messina, Edward <Messina.Edward@epa.gov>  
**Cc:** Anderson, Monique <anderson.monique@epa.gov>; Brown, KendraR <Brown.KendraR@epa.gov>; Giddings, Daniel <giddings.daniel@epa.gov>  
**Subject:** Meeting Request & Organizations Respond to Treated Seed Decision

November 3, 2022

Dear Administrator Freedhoff and Director Messina,

Attached is a letter from 75 organizations concerned with EPA's recent decision not to reclassify pesticide-coated seeds and exclude them from the Treated Article Exemption. We are grateful for EPA's intention to:

- Determine whether or to what extent pesticide-treated seed is being distributed, sold, or used in a manner inconsistent with treating pesticide labeling
- Pursue enforcement of pesticide or pesticide-treated seed label violations
- Promulgate an advance notice of public rulemaking seeking comment on issues raised in the petition

We are concerned with the declaration of EPA's potential issuance of "a FIFRA section 3(a) rule to regulate pesticide-treated seed under FIFRA section 3(a) to ensure distribution, sale, and use of the treated seed is consistent with treating pesticide and treated seed labeling."

**We would like EPA to change this from a possible exploration to a definite commitment to issue such a rule.** The success of such a rule would also be contingent upon stronger language on coated seed bag tags.

Furthermore, we would like to request a meeting to discuss this decision and any potential upcoming steps EPA has.

Thank you for the work EPA does and the opportunity to provide our thoughts on this issue.

Sincerely,

Hardy Kern

**E. Hardy Kern III, MPA**

(he/him/his)

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